

Noble, Jeffrey T

From: Ferguson, Laura M.
Sent: Monday, October 15, 2018 5:03 PM
To: Noble, Jeffrey T
Cc: Ackerson, Brent; Wiederwohl, Mary Ellen; Lajara, Teresa
Subject: FW: Derby Guests Information, sent on behalf of Councilman Ackerson
Attachments: 2016 Derby Expenses.pdf; 2017 Derby Expenses.pdf; 2018 Derby Expenses.pdf

Councilman Ackerson,

In response to the email sent by Jeffrey Noble on your behalf on Friday requesting certain information pertaining to the period 2016-2018, please find the following:

STAFF

2016 – 5 staff attended: Mary Ellen Wiederwohl, Chief of Louisville Forward, John Gant, Director of Department of Economic Development, Rebecca Fleischaker, Deputy Director of Economic Development, Keisha Deonarine, Economic Development Manager, Ben Moore, Economic Development Manager, plus the Mayor and the First Lady. Three spouses of staff members also attended.

2017 – 4 staff attended: Mary Ellen Wiederwohl, Chief of Louisville Forward, Scott Herrmann, Director of Department of Economic Development, Rebecca Fleischaker, Deputy Director of Economic Development and Ben Moore, Economic Development Manager, plus the Mayor and the First Lady. Three spouses of staff members also attended.

2018 – 4 staff attended: Mary Ellen Wiederwohl, Chief of Louisville Forward, Scott Herrmann, Director of Department of Economic Development, Rebecca Fleischaker, Deputy Director of Economic Development and Ben Moore, Senior Economic Development Manager, plus the Mayor and the First Lady. Three spouses of staff members also attended.

ENTREPRENEURS/CHEERLEADERS

KRS 61.878(1)(d) exempts from disclosure all records that pertain to the prospective location of a business or industry where no previous public disclosure has been made. Accordingly, names of business and industry representatives are being withheld. (The attendance of these folks pertained to the location of a business or industry.)

COSTS

Attached to this email are the Derby expense summaries for 2016, 2017 and 2018. In theory, we could divide the total costs by the total number of guests to come up with a per person breakdown, but that would lead to a misleading result. This is because some of the costs are fixed costs, regardless of the number of guests, while other costs could go up or down depending upon the total number of guests. This is consistent with what was previously communicated back to you in an August 14th email. If you want a breakdown between the items that are fixed costs versus the items that are pro rata costs, that can be provided, but we will need more time than COB today in order to do that.

Laura Ferguson
Assistant Director
Louisville Forward
444 S. Fifth Street, Suite 600
Louisville, KY 40202
(502) 574-3503

From: Wiederwohl, Mary Ellen
Sent: Friday, October 12, 2018 5:04 PM
To: Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>; Noble, Jeffrey T <Jeffrey.Noble@louisvilleky.gov>; Mosley, Jeff

<Jeff.Mosley@louisvilleky.gov>; Ferguson, Laura M. <Laura.Ferguson@louisvilleky.gov>; Hesen, Ellen M <Ellen.Hesen@louisvilleky.gov>; Golden, Matt J. <Matt.Golden@louisvilleky.gov>
Cc: Lajara, Teresa <Teresa.Lajara@louisvilleky.gov>; Elliott, Babs <Babs.Elliott@louisvilleky.gov>; Massey, Sara <Sara.Massey@louisvilleky.gov>
Subject: Re: Derby Guests Information, sent on behalf of Councilman Ackerson

Thank you for your request. Due to the lateness of the hour, I think we will need to answer your question on Monday.

Mary Ellen Wiederwohl
Chief, Louisville Forward

On Oct 12, 2018, at 3:51 PM, Noble, Jeffrey T <Jeffrey.Noble@louisvilleky.gov> wrote:

Mary Ellen Wiederwohl, Chief, Louisville Forward

RE: Derby Guests Information

Mary Ellen:

In previous discussions on this matter, we have divided the guests into three categories. This request pertains only to those persons in the second and third categories. These groups have been generally described as the Metro staff, their spouses, and other invitees of the administration, as well as "cheerleaders," the entrepreneurial community, and other late additions and fill-ins.

This request is for the names of those persons in those categories described above invited to be Oaks and Derby as guests of Mayor Fischer and Louisville Metro for the years 2016, 2017, and 2018, and including the specific amount spent on each person.

Should you withhold a name, we would like to know the precise justification or legal authority for such.

Can this be produced by Close Of Business on Monday, October 15, 2018?

Respectfully,

Councilman Brent T. Ackerson

26th Council District

Chair, Government Oversight, Accountability, and Ethics Committee

601 W. Jefferson Street, Room 318

Louisville, Kentucky 40202

502-574-1126

brent.ackerson@louisvilleky.gov

**61.878 Certain public records exempted from inspection except on order of court --
Restriction of state employees to inspect personnel files prohibited.**

- (1) The following public records are excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction, except that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:
 - (a) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy;
 - (b) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by another statute;
 - (c)
 1. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records;
 2. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:
 - a. In conjunction with an application for or the administration of a loan or grant;
 - b. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Chapter 154;
 - c. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or
 - d. For the grant or review of a license to do business.
 3. The exemptions provided for in subparagraphs 1. and 2. of this paragraph shall not apply to records the disclosure or publication of which is directed by another statute;
 - (d) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the Commonwealth. This exemption shall not include those records pertaining to application to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in paragraph

- (c) of this subsection;
- (e) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to, banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods;
- (f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made by or for a public agency relative to acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision;
- (g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;
- (h) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of KRS 61.870 to 61.884, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action; however, records or information compiled and maintained by county attorneys or Commonwealth's attorneys pertaining to criminal investigations or criminal litigation shall be exempted from the provisions of KRS 61.870 to 61.884 and shall remain exempted after enforcement action, including litigation, is completed or a decision is made to take no action. The exemptions provided by this subsection shall not be used by the custodian of the records to delay or impede the exercise of rights granted by KRS 61.870 to 61.884;
- (i) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency;
- (j) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;
- (k) All public records or information the disclosure of which is prohibited by federal law or regulation;
- (l) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly;
- (m) 1. Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:
 - a. Criticality lists resulting from consequence assessments;

- b. Vulnerability assessments;
 - c. Antiterrorism protective measures and plans;
 - d. Counterterrorism measures and plans;
 - e. Security and response needs assessments;
 - f. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;
 - g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and
 - h. Records when their disclosure will expose a vulnerability referred to in this subparagraph and that describe the exact physical location of hazardous chemical, radiological, or biological materials.
2. As used in this paragraph, "terrorist act" means a criminal act intended to:
- a. Intimidate or coerce a public agency or all or part of the civilian population;
 - b. Disrupt a system identified in subparagraph 1.f. of this paragraph; or
 - c. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.
3. On the same day that a public agency denies a request to inspect a public record for a reason identified in this paragraph, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Kentucky Office of Homeland Security and the Attorney General.
4. Nothing in this paragraph shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs.
5. The exemption established in this paragraph shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this paragraph under the Open Records Law;
- (n) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless

of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law;

- (o) Records of a procurement process under KRS Chapter 45A or 56. This exemption shall not apply after:
 - 1. A contract is awarded; or
 - 2. The procurement process is canceled without award of a contract and there is a determination that the contract will not be resolicited; and
 - (p) Communications of a purely personal nature unrelated to any governmental function.
- (2) No exemption in this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person.
 - (3) No exemption in this section shall be construed to deny, abridge, or impede the right of a public agency employee, including university employees, an applicant for employment, or an eligible on a register to inspect and to copy any record including preliminary and other supporting documentation that relates to him. The records shall include, but not be limited to, work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, lay-offs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A public agency employee, including university employees, applicant, or eligible shall not have the right to inspect or to copy any examination or any documents relating to ongoing criminal or administrative investigations by an agency.
 - (4) If any public record contains material which is not excepted under this section, the public agency shall separate the excepted and make the nonexcepted material available for examination.
 - (5) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 176, sec. 5, effective July 14, 2018. -- Amended 2013 Ky. Acts ch. 32, sec. 3, effective June 25, 2013. -- Amended 2005 Ky. Acts ch. 45, sec. 6, effective June 20, 2005; and ch. 93, sec. 3, effective March 16, 2005. -- Amended 1994 Ky. Acts ch. 262, sec. 5, effective July 15, 1994; and ch. 450, sec. 34, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 163, sec. 5, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 494, sec. 24, effective July 15, 1986. -- Created 1976 Ky. Acts ch. 273, sec. 5.

Legislative Research Commission Note (6/20/2005). The Office of the Kentucky Attorney General requested that amendments in 2005 Ky. Acts ch. 45, sec. 6 and ch. 93, sec. 3, to the arrangement of the paragraphs of subsection (1) of this section be

changed. The change was requested "in the interest of preventing confusion to the public and public agencies" and was made by the Statute Reviser under the authority of KRS 7.136.